

REMARKS/ARGUMENTS

REMARKS

1. A terminal disclaimer to US patent 6,437,583 is submitted herewith to obviate the Examiner's rejection of Claims 14, 15, 20 and 40 under the judicially-created doctrine of obviousness-type double patenting.

2. The abstract has been amended to address the Examiner's concerns.

3. Claims 34 has been amended to overcome the Examiner's objection based "the second transistor" not having sufficient antecedent basis. Specifically, Claim 34 has been amended to depend from Claim 33, as was originally intended. Claims 35 and 38 have also been amended to address this same issue.

4. With respect to the Examiner's rejection of Claims 14, 15, 18-28, 31, 32, 34, 40 and 41 under 35 USC 102, it is respectfully submitted that each claim in the present application has an effective filing date of either February 5, 1998 or February 13, 1997. US patent no. 6,011,859 to Kalnitsky was filed July 2, 1997 and issued on January 4, 2000. It is therefore respectfully submitted that:

(A) Kalnitsky does not represent prior art under 35 USC 102(b);

(B) for each of Claims 14, 15, 18-28, 31, 32, 34, 40 and 41 that has an effective filing date of February 13, 1997, Kalnitsky does not represent prior art under 102(e) because Kalnitsky was filed after the effective filing date; and

(C) for any of Claims 14, 15, 18-28, 31, 32, 34, 40 and 41 that may have an effective filing date of February 5, 1998, Kalnitsky does not represent prior art under 35 USC 102(e) pursuant to 35 USC 103(c), because Kalnitsky and the present application were commonly owned or subject to an assignment to the same entity at the time the invention was made.

5. The assignment in the parent application, executed in 1998, is submitted for recordation herewith in the present divisional application.

6. It is respectfully submitted that the application is now in condition for allowance.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.

Respectfully submitted,

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